

**REMARKS**

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-9 are pending in this application. Claim 1 is the sole independent claim and is currently amended.

**ENTRY OF AMENDMENT AFTER FINAL REJECTION**

Entry of the Amendment is requested under 37 C.F.R. § 1.116 because the Amendment: a) places the application in condition for allowance for the reasons discussed herein; b) does not present any additional claims without canceling the corresponding number of final rejected claims; and/or c) places the application in better form for an appeal, if an appeal is necessary. Entry of the Amendment is thus respectfully requested.

**REJECTIONS UNDER 35 U.S.C. § 103**

- **PERLMAN, SASAKI AND KUSKIN**

Claims 1-3 and 5-7 are rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent 6,975,729 to Perlman ("Perlman") in view of U.S. Patent 6,351,536 to Sasaki ("Sasaki") in further view of U.S. Patent 7,185,196 to Kuskin et al. ("Kuskin"). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner asserts that the recitation "second device" of claim 1 reads on the transmitter of FIG.4 of Sasaki and that the recitation "first device" of claim 1 reads on the receiver of FIG. 4 of Sasaki. Additionally, the Examiner appears to be reads the recitation "cryptogram" of claim 1 upon the ciphertext i, together with the identifier i and the first public key/secret key generation program, as disclosed in Col. 7, lines 33-35 of Sasaki. Based on these assertions, the Examiner alleges that

Sasaki teaches "initiating a pairing procedure by transmitting a cryptogram contained in the second device, the cryptogram including an identifier belonging to the second device and the unique pairing key, and the cryptogram being encrypted by a secret key common to all the first devices." as required by claim 1.

FIG. 4 of Sasaki illustrates, among other things, communication processing between a transmitter 10 and a receiver 20 of FIG. 1. In Sasaki A common key is generated in accordance with a common key generation program. **The generated common key is registered (stored) in the external storage device 18** in correspondence with an identifier (step 101). The identifier is indicated by *i*, and a common key corresponding to the identifier *i* is taken as a common key *i*. **The identifier is used for identifying a key used in processing in the cipher network system.** A plaintext, previously input in the transmitter 10 by an operator (Sasaki, col. 6, line 66-col. 7, line 1), is then enciphered using the common key *i* in accordance with the common key encryption program (step 102) (ciphertext thus created is taken as ciphertext *i*). The **ciphertext *i***, together with the **identifier *i*** and the **first public key/secret key generation program**, is transmitted from the transmitter 10 to the receiver 20 (step 103).

Applicants submit that, as mentioned above, the common key *i* of Sasaki (allegedly, the "unique pairing key" of claim 1, as per the Examiner) is stored in an external storage device 18 at the transmitting end of the Sasaki apparatus and is *not* transmitted to the receiver 20. Also, the identifier *i* of Sasaki (allegedly, the "identifier" of claim 1, as per the Examiner) does *not* belong to the transmitter 10 of Sasaki. Therefore, Sasaki fails to disclose, teach or fairly suggest "**the cryptogram including an identifier belonging to the second device and the unique pairing key**," as recited in claim 1. Finally, the ciphertext *i*, together with the identifier *i* and the first public key/secret key generation program (allegedly, the "cryptogram" of claim 1, as per the Examiner), are *not* encrypted by any secret key and are

transmitted to the receiver 20 in an unencrypted form. Therefore, Sasaki fails to disclose, teach or fairly suggest **“the cryptogram being encrypted by a secret key common to all the first devices,”** as required by claim 1. (Emphasis Added)

For reasons somewhat similar to those stated above, applicants submit that Sasaki also fails to teach or fairly suggest **“extracting the identifier of the second device and the unique pairing key from the cryptogram,”** as recited in claim 1. (Emphasis Added)

It is further alleged in the Office Action at Page 5 that Kuskin, in col. 4, lines 33-64, teaches “searching for a free location among the locations reserved for the unique pairing key in the first device... storing the unique pairing key in the first device, the unique pairing key used to pair with the second device,” as recited in claim 1.

However, in Kuskin, the keys are stored in a key cache 40 (allegedly, “free location...in the first device” of claim 1, as per the Examiner) in the transceiver 26 (allegedly, the “first device” of claim 1, as per the Examiner) and these keys are neither transmitted nor received. Rather, these keys correspond with the source of transmission and are used to encrypt the packet 32 that is transmitted to the transceiver 28.

Accordingly, Kuskin fails to teach or fairly suggest **“searching for a free location among the locations reserved for the unique pairing key in the first device... storing the unique pairing key in the first device, the unique pairing key used to pair with the second device,”** as recited in independent claim 1. (Emphasis Added)

Perlman fails to overcome the noted deficiencies of Sasaki and Kuskin. Therefore, the alleged combination of Sasaki, Perlman and Kuskin fails to render the limitations of claim 1 obvious to one of ordinary skills in the art.

Claims 2-3 and 5-7, dependent on independent claim 1, are patentable for the reasons stated above with respect to claim 1 as well as for their own merits.

Applicants, therefore, respectfully request that the rejection to claims 1-3 and 5-7 under 35 U.S.C. § 103(a) be withdrawn.

- PERLMAN, SASAKI AND KUSKIN AND IN FURTHER VIEW OF MARINO

Claim 4 is rejected under 35 U.S.C. § 103(a), as being unpatentable over Perlman, Sasaki and Kuskin and further in view of U.S. Patent 6,026,165 to Marino et al. ("Marino"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that dependent claim 4 is patentable over Perlman, Sasaki and Kuskin, as discussed above, as Perlman, Sasaki and Kuskin fail to disclose or fairly suggest all of the features as recited in claim 1, the independent claim from which the rejected claim depends. Further, Marino would fail to overcome the noted deficiencies of Perlman, Sasaki and Kuskin (if combinable, which is not admitted). Therefore, the alleged combination of Perlman, Sasaki, Kuskin and Marino fails to render the subject matter of claim 4 obvious to one of ordinary skill in the art.

- PERLMAN, SASAKI AND KUSKIN AND IN FURTHER VIEW OF TELLO

Claims 8-9 are rejected under 35 U.S.C. § 103(a), as being unpatentable over Perlman, Sasaki and Kuskin and further in view of U.S. Patent 6,463,537 to Tello ("Tello"). Applicants respectfully traverse this rejection for the reasons detailed below.

Applicants respectfully submit that dependent claims 8-9 are patentable over Perlman, Sasaki and Kuskin, as discussed above, as Perlman, Sasaki and Kuskin fail to disclose or fairly suggest all of the features as recited in claim 1, the

independent claim from which the rejected claims depend. Further, Tello would fail to overcome the noted deficiencies of Perlman, Sasaki and Kuskin (if combinable, which is not admitted). Therefore, the alleged combination of Perlman, Sasaki, Kuskin and Tello fails to render the subject matter of claims 8-9 obvious to one of ordinary skill in the art.

### **CONCLUSION**

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested.

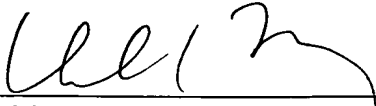
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Donald J. Daley at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

  
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Donald J. Daley, Reg. No. 34,313  
P.O. Box 8910  
Reston, Virginia 20195  
(703) 668-8000

DJD/AZP/akp

